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THE BUILDING OF BRIDGES: THE ONGOING VALUE OF INTERNATIONAL AND COMPARATIVE LEGAL EDUCATION

*Professor Julio César Cueto-Rúa**

THE Second World War had ended in 1945—life in Europe, the U.S.A. and the Far East was returning, slowly and painfully, back to normality. A tremendous shift of power had taken place in Eastern Europe: the Cold War had started between the U.S.A. and its allies in the Americas, Europe, and the Middle East, on one side, and the U.S.S.R. and its allies in Asia, and Eastern Europe, on the other side. In this context it was obvious that new battlefronts had appeared: in the Far East, in Korea and in Taiwan; in Eastern Europe, in Germany, Italy, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, and Yugoslavia.

Colonel Robert G. Storey, a lawyer by training, had a vision. He became keenly aware that the Cold War required the mobilization of all cultural and intellectual resources of the U.S.A. to protect the freedoms of the defeated peoples of Europe and Asia. It was particularly important that the new generations of citizens of the countries which had lost the War (Germans, Italians, Austrians, and Japanese) become aware that they had a future for them, for their families, and for their people, which could be reached by an enlightened effort in a world of liberty and democracy.

Colonel Robert G. Storey was appointed Dean of the Law School, Southern Methodist University, and President of the Southwestern Legal Foundation. With both hats in his hands, Dean Storey was ready to start a sustained effort of studies, communications, speeches, research, and legal training at the Law School and at the Foundation to provide the eager minds of young lawyers from distant countries, the power of the human spirit to establish and to develop conditions of life where order, security, peace, cooperation, and justice could be achieved.

At the end of the 1940s young visitors began to arrive in Dallas. Germans, Koreans, and Taiwanese were among the first to come. Soon thereafter, Latin American lawyers (Mexicans, Venezuelans, Colombians, Chileans, Argentineans, and Central Americans) began to study at the SMU Law School.

* Keynote remarks delivered at Conference in April 1997 at SMU celebrating the 50th Anniversary of the SMU International Graduate Program.

They were shown the joys of freedom and democracy, the significance of rational political behavior, and the constant development and growth of a free community where they were allowed to live. For them, these things had been only a dream in the past. The "case method" introduced the young lawyers from abroad to conflicts in American society and to the instruments and institution devised by the American people to restore peace in the community without infringing of basic human rights.

Here in Dallas those foreign lawyers were put in close contact with American judges, law professors, and practitioners. Soon they became aware of techniques applied by lawyers and judges in the United States to establish and maintain balance in American society, and to protect the rights of the individuals vis-à-vis the authority of the State.

Those young foreign lawyers learned American law because, in the first place, they lived under the rules and principles of American law. The concepts learned in the classroom were soon experienced by them every day of their stay on American soil.

Instead of the traditional deductive approach of the Civil Law lawyers, coherent and consistent, based on general propositions provided by their great jurists, the young foreign lawyers who came to Dallas became aware of ongoing individual conflicts, opposing interests, contradictory claims, and demands to be solved by judges. They were called to bring about Justice. Logic was second. All parties were required to understand limitations of the human spirit.

Those young foreign lawyers returned to their homes in far away countries, after being exposed to the peculiarities, the insights and the achievements of the American people. Their mental perspectives were expanded. They experienced new ways of living. Their approach to reality was intelligent. They learned to take into account competing claims in society and the wisdom of distributing scarce goods in accordance to objective standards of justice.

Fifty years ago, old European communities and young Latin American countries faced the uncertainties of the Cold War. Dean Storey had a vision, a vision of understanding and friendship emerging from personal academic contacts among young foreign lawyers and American citizens. It worked. Hundreds and hundreds of those lawyers returned to their native lands and applied their own knowledge they had gained. The traditional, logical, and doctrinaire European approach to law was enriched by empirical consideration of efficiency and by the intuition of legal values. A new instrument for the operation of the legal system was placed in the hands of the young foreign law alumni.

Fifty years later, in our present day, the World is undergoing changes deeper than those which were experienced during the Cold War. We are aware that we are riding a spaceship, the earth. Distance has been vanquished in our planet. We are conscious of the common fate of mankind. We see the dramatic expansion of electronics, telecommunications, computers, modems, internet, jet engines, and English becoming universal lin-

gua franca. The law of each country is giving way to international commercial law.

Traditional Civil Law and traditional Common Law, in their mutual interaction, require from Common Law lawyers and Civil Law lawyers a new perspective, a new criterion of development and growth. It may not be easy to achieve. Centuries of history and tradition have erected high barriers and demand extraordinary efforts to bring them down. The Civilians will have to understand the value and significance of *stare decisis et qujeta non movere*, the very basis of the Common Law as a system of law. The Common Law lawyer will have to understand the practical significance for the Civilians of abstract propositions and of ideas for providing the classification of legal materials in a world subject to deep and rapid changes.

A "bridge" has to be built between these two systems of law. The task is enormous and will demand sustained, decades-long efforts by enlightened legal minds. SMU Law School has been prepared and is ready to contribute its part in that worthy undertaking. Its credentials for this effort are to be found in the living generations of young foreign lawyers who came to the Law School to acquire knowledge and to gain experience living in an environment where tolerance, organization, and fairness give to the members of society the opportunity of living a better life.

Forty five years ago I came to SMU to learn law. As a foreigner and as a lawyer, I was subject to the actions of powerful currents of change. I felt the impact of great legal minds and became aware of the contributions made by American judges to live in a dynamic society. To some extent, I could not avoid being "Americanized". On the other hand, I, as a Civilian, was a heir to a legal tradition two thousand years old. I was taught how to interpret written general rules and how to overcome ambiguities and vagueness in words found in legislative rules. I was told how to adapt abstract texts of law to make them operative on ever-changing conditions of life in society.

American lawyers are very good in determining the *ratio decidendi* of an individual decision. Civilian lawyers are excellent in adjusting general normative propositions to the axiological needs of the conflict. The next fifty years will show how a "bridge" is to be built and how a better understanding will be gained by the Common Law lawyer and by the Civil Law lawyer. The SMU Law School has already provided the foundation stones for this noble venture.

